

IN THE DRAWINGS:

Kindly amend Figures 1-12, as shown in the attached Replacement Drawing Sheets 1-4. These four Replacement sheets include Figures 1-12, and replace all original sheets (which included Figures 1-12). In Figures 1-12, all elements of the friction grip fireplace tool of the present invention have been numbered individually to properly identify same and correspond to the description of the invention found in the Brief Description of Drawings and Detailed Description.

Attachments: Replacements Sheets 1-4 (containing Figures 1-12); and
Annotated Sheets 1-4 showing changes to Figures 1-12.

REMARKS

The Examiner is thanked for the very thorough and professional Office Action mailed April 19, 2006. Pursuant to that Office Action, Claims 7-10, 12, 16 and 18 have been amended to more definitely set forth the invention and obviate the rejections. All of the amendments to the claims have been made to place the claims in idiomatic English, and to simplify the claims. The amendments to the claims made herein are deemed not to introduce new matter. Further, the amendments to the claims herein are believed to require no further additional searches or raise any additional issues not previously presented.

In addition, both the Specification and the drawings have been amended herein to numerically identify individual elements of the claimed friction grip fireplace tool, and to place the application in proper U.S. format. The amendments to the Specification and drawings herein are deemed not to introduce new matter. Claims 7-19 are pending in the application, Claims 11, 13-15, 17 and 19 having been withdrawn from consideration as being directed to non-elected inventions.

Affirmation of Applicant's Response To Restriction Requirement

Applicant hereby affirms the election made without traverse during a telephone conversation with the Examiner on April 10, 2006 to prosecute the invention of Species 1, Claims 7-10, 12, 16, and 18.

Reconsideration is respectfully requested of the rejection of Claims 7-10 and 12 under 35 U.S.C. 103(a) as being unpatentable over Thayer.

The Thayer reference, upon which the Examiner relies, relates to a cant-hook which can be used to lift railroad ties or pieces of timber. There does not appear to be any disclosure in the Thayer reference that the cant-hook disclosed therein can be used as a fireplace tool. For this reason, it is respectfully submitted that the Thayer reference is non-analogous art, and should be given little or no weight since it is not concerned with the same problems in the art as the present invention and does not solve the same problems as the fireplace tool of the present invention.

In any event, it is respectfully submitted that the Thayer reference in no way anticipates or renders unpatentably obvious the subject matter now called for in the claims herein. In particular, there is no disclosure whatever in the Thayer reference of a friction-grip fireplace tool comprising a *unary, v-shaped, open-jawed mouth having a spring-like effect when urged wider open*. On the contrary, that teaching or suggestion comes only from the present application and constitutes an important element or aspect of the present invention. Moreover, there is no disclosure in the Thayer reference of a friction-grip fireplace tool with an open-jawed mouth *with friction ridges spaced at intervals around an inner perimeter of said open-jawed mouth to create a friction effect within said open-jawed mouth*.

It is therefore respectfully submitted that two or more of the essential requirements of the claims are neither disclosed nor suggested by the cited Thayer reference. Consequently, the Examiner would be justified in no longer maintaining the rejection. Withdrawal of the rejection is accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of Claims 16 and 18 under 35 U.S.C. 103(a) as being unpatentable over Thayer, in view of U.S. Patent Application Publication No. 2005/0110289 A1 to Myers.

The Thayer reference is discussed in detail above.

The Examiner's secondary reference of Myers fails to cure the deficiencies of the Thayer reference since Myers fails to disclose the essential elements now called for in the claims as amended herein. In particular, neither the Thayer nor Myers references disclose a friction-grip fireplace tool having a *v-shaped, open-jawed mouth having a spring-like effect when urged wider open and friction ridges spaced at intervals around an inner perimeter of said open-jawed mouth to create a friction effect within said open-jawed mouth*. On the contrary, that teaching or suggestion comes only from the present application, and constitutes an important element or aspect of the present invention.

Since the Examiner's primary and secondary references fail to disclose or suggest the essential elements now called for in the claims herein, it is believed that the Examiner would be justified in no longer maintaining the rejection. Withdrawal of the rejection is accordingly respectfully requested.

The application is now believed to be in condition for allowance and early action and allowance thereof is accordingly respectfully requested. If there is any reason why the application cannot be allowed at the present time, it is respectfully requested that the Examiner call the undersigned at the number listed below to resolve any problems.



Respectfully yours,

TOWNSEND & BANTA

Donald E. Townsend, Jr.

Donald E. Townsend, Jr.

Date: June 12, 2006

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CERTIFICATE OF MAILING

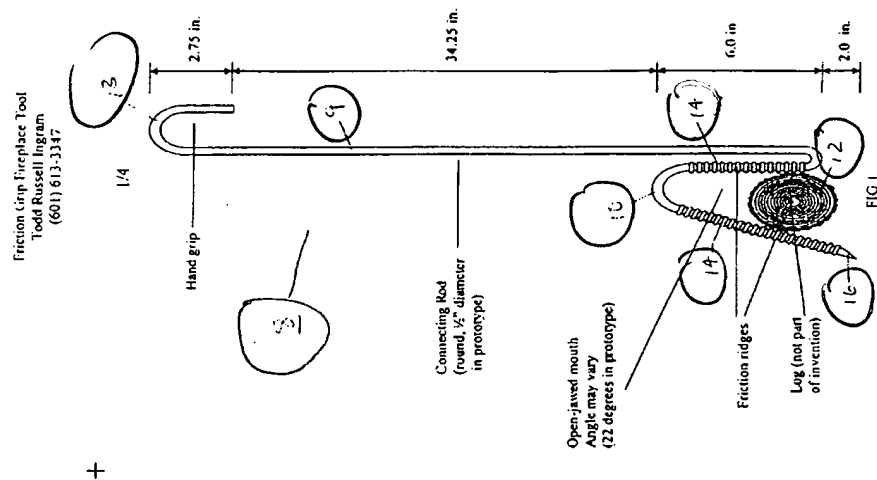
I hereby certify that this Amendment After Final Rejection, and Transmittal, in Serial No. 10/829,080 filed April 22, 2004, was deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on June 12, 2006.

Donald E. Townsend, Jr.

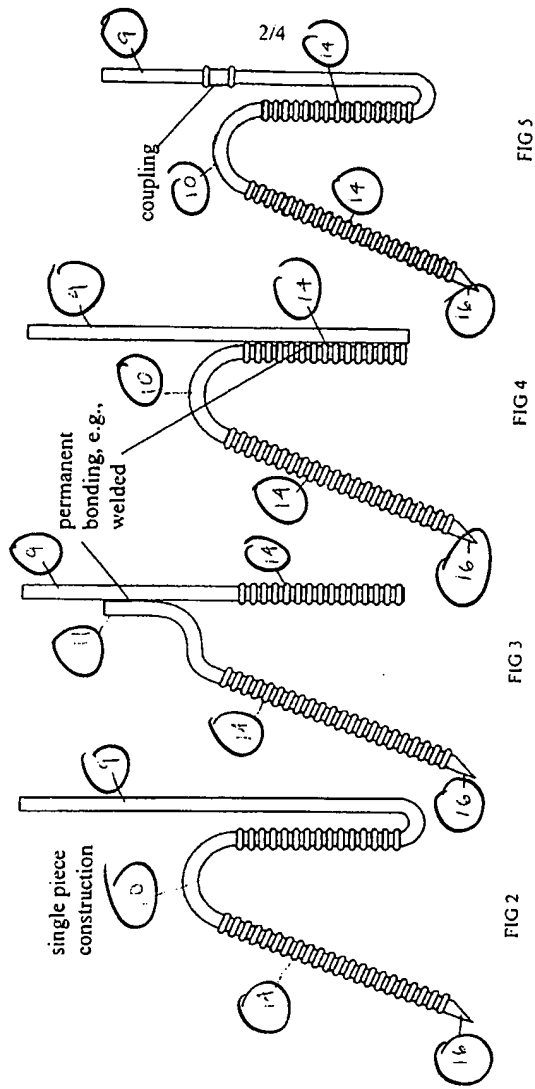
Donald E. Townsend, Jr.



Element Numbers
9, 8, 10, 12, 14
and 16 added.

Application No. 10/829,080
 Amendment dated July 12, 2006
 Reply to Office Action of April 19, 2006

Element Numbers
 9, 10, 11, 14 & 16 added.



Annotated Sheet Showing Changes

Application No. 10/829,080
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*Element numbers 9 and 13 added,
 and the word "coupling" added.*

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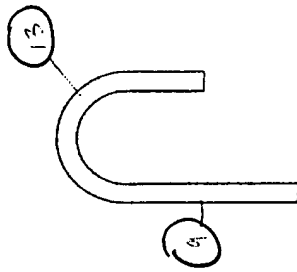


FIG 6

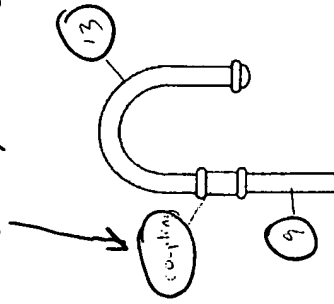


FIG 7

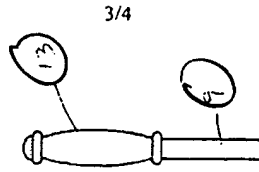


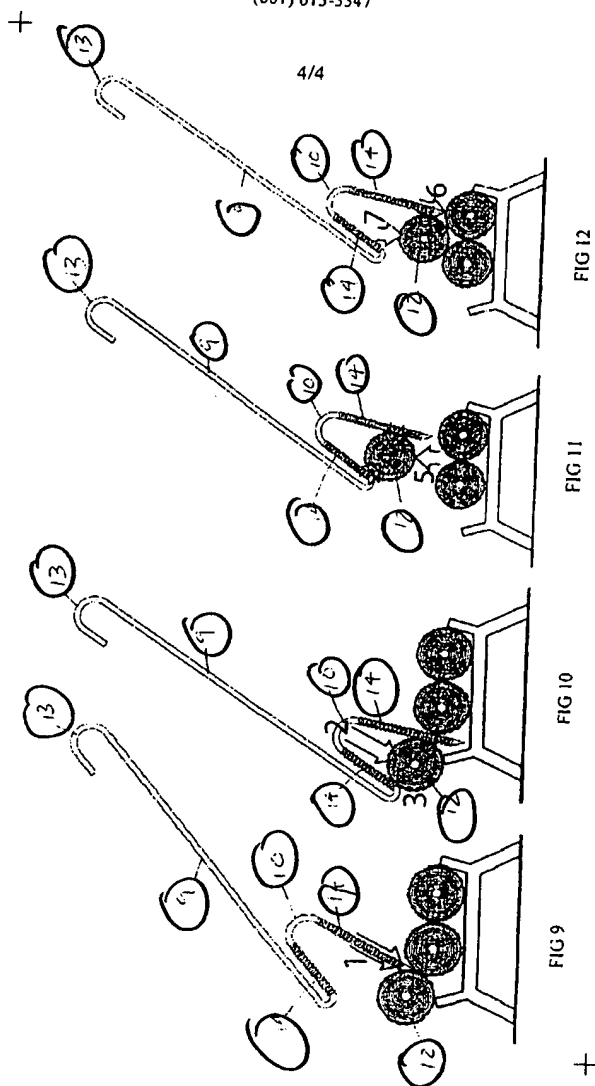
FIG 8

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Annotated Sheet Showing Changes

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*Element Numbers
 9, 10, 12, 13 and 14 added.*



Annotated Sheet Showing Changes